

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LEE SHUKNECHT & SONS, INC.,

Plaintiff,

v.

SCOTT MABON,

Defendant.

**PROPOSED DISCOVERY
PLAN**

08-CV-0715 JTC

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties submit the following proposed discovery plan:

1. Consent to Magistrate Jurisdiction:

The parties do not consent to magistrate jurisdiction.

2. Compliance with Mandatory Disclosure Requirements:

The parties will comply with Mandatory Disclosure Requirements by January 16, 2009.

3. Deadline for Filing Motions to Amend the Pleadings to Add Parties:

The parties have agreed to April 17, 2009 as the deadline for filing motions to amend the pleadings to add parties.

4. Deadline for Completion of Fact Discovery:

The parties have agreed to September 18, 2009 as the deadline for the completion of fact discovery.

5. Deadline for Expert Discovery/Identification and Filing Reports of Expert Witnesses:

Each party shall serve upon the other party its expert report on issues on which it has the burden of proof by October 16, 2009.

Each party shall serve rebuttal expert reports by November 20, 2009.

The parties agree that the date for the completion of all expert discovery shall be December 18, 2009.

6. Deadline for Filing Motions to Compel Discovery:

The parties have agreed to September 18, 2009 as the deadline to file motions to compel discovery.

7. Protective Order:

The parties will submit a proposed protective order to the Court.

8. Discovery Limitations:

No changes to the limitations on discovery are contemplated at this time.

9. Deadline for Dispositive Motions:

The parties propose that February 19, 2010 be the deadline for each party to file an opening brief on the issue of claim interpretation and that responsive briefs will be filed on March 19, 2010. The parties request that the deadline for filing dispositive motions be set following the Court's ruling on claim interpretation.

10. Settlement Conference:

In the event that this action is not fully decided by dispositive motion, the parties request that the Court set a judicially supervised settlement conference soon after the Court's decision on the dispositive motion.

11. Jury Trial:

The parties cannot estimate the length of the trial at this time, but a jury trial is indicated.

Dated: December 11, 2008

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